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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,305	12/04/2003	Thomas Giroud	1948-4825	2184

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NEW YORK, NY 10281-2101

EXAMINER
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KRUER, KEVIN R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/729,305

Applicant(s)

GIROUD, THOMAS

Examiner

Kevin R Kruer

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 12/5/2002. It is noted, however, that applicant has not filed a certified copy of the French application as required by 35 U.S.C. 119(b).

### ***Information Disclosure Statement***

2. The information disclosure statement filed 10/4/2004 has been fully considered. AN initialed copy of said PTO-1449 is enclosed herein.

### ***Drawings***

3. The drawings filed 12/4/2003 are accepted.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admissions in view of Pyburn et al (US 5,614,338).

Applicant admits that motor manufactures very often require there to be particular motifs or patterns on lighting and indicating devices. The motifs are provided for aesthetic purposes and are obtained by deposition of inks or paint on the component to be decorated (see page 1 lines 10-22 of the specification).

Applicant does not admit that it is known to form the decorative motif on such components by exposing at least one surface of the component to laser radiation. However, Pyburn teaches a method of providing a graphic on a backlit component such as an illuminated display of an automobile wherein a molded plastic is exposed to laser energy to produce substantially opaque resins that form a graphic image (abstract). Said laser is produced by a suitable source such as Nd:YAG or carbon dioxide laser (col 2, lines 62+). Such a method eliminates the use of hazardous such as paints and inks (col 3, lines 19+). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create the patterns on lighting and indicating devices by exposing said molded plastic to laser radiation. The motivation for doing so would have been to eliminate the use of hazardous materials such as paints and inks.

With regard to claims 2 and 10, Applicant does not admit nor does Pyburn teach that "a plurality of surfaces" may be exposed to laser radiation to produce the desired motif. However, Applicant admits that said motifs are provided for aesthetic purposes. Furthermore, the court has held that matter relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art (MPEP 2144.04). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to expose to laser radiation "a plurality of surfaces" of the molded lighting and indicating device taught by the prior art. The motivation for doing so would have been to obtain the desired aesthetic effect.

With regard to claim 3, the "opaqueness" referred to in Pyburn is herein understood to read on the claimed "modified" color described in claim 4.

6. Claims 1-3, 5-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admissions in view of JP 2000-176659 (herein referred to as Hideji).

Applicant admits that motor manufactures very often require there to be particular motifs or patterns on lighting and indicating devices. The motifs are provided for aesthetic purposes and are obtained by deposition of inks or paint on the component to be decorated (see page 1 lines 10-22 of the specification).

Applicant does not admit that it is known to form the decorative motif on such components by metallizing said component and exposing at least one surface of the component to laser radiation. However, Hideji teaches a method of providing motifs to a variety of transparent materials (005) by bonding a metallic foil (herein understood to read on "metallizing") and carrying out evaporation scattering of the metallic foil with a laser marker to obtain the desired motif (005). The laser utilized is preferably a YAG laser (0006). The metal layer may also be vacuum deposited (0010).

With regard to claims 2, 8, and 10, Applicant does not admit nor does Hideji teach that "a plurality of surfaces" may be exposed to laser radiation to produce the desired motif. Furthermore, Applicant does not admit nor does Hideji teach that the molded lighting and indicating device should be colored. However, Applicant admits that said motifs are provided for aesthetic purposes. The court has held that matter relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art (MPEP 2144.04). Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to expose to laser radiation "a plurality of surfaces" of the molded lighting and indicating device taught by the prior art and to color said molded device.

The motivation for doing so would have been to obtain the desired aesthetic effect.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admissions in view of JP 2000-176659, as applied to claims 1-3, 5-8, and 10 above, and further in view of Naritomi et al (US 5,149,589).

Applicant's Admissions in view of JP 2000-176659 is relied upon as above, but does not teach that the lighting and indicating device should comprise thermoplastic. Naritomi teaches a thermoplastic elastomer that has excellent mechanical strength (abstract). Said thermoplastic has use as a headlight cover (col 2, lines 38+).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the lighting and indicating device admitted to by applicant out of the thermoplastic taught by Naritomi. The motivation for doing so would have been because said thermoplastic has excellent mechanical strength.

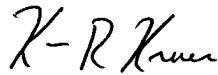
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1773

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin R. Kruer  
Patent Examiner-Art Unit 1773